

## **FROM THE COMMITTEE ON MODEL CIVIL JURY INSTRUCTIONS**

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The Committee has adopted the following amended and new model civil jury instructions effective October 17, 2013.

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### **ADOPTED**

The Committee has adopted amended and new instructions for use in cases where there is film or electronic media coverage of a trial as permitted by Michigan Supreme Court Administrative Order 1989-1.

#### **M Civ JI 1.05**

##### **Prospective Jurors—Health and Other Problems**

- a. The witnesses who may be called in this case are: [ Read list of witnesses without designation of party who will call them. ]. Does anyone know the [ defendant / defendants ], the [ plaintiff / plaintiffs ], or any of the lawyers or witnesses?
- b. We think this trial will last for [ number of days / number of weeks ]. If you believe that the length of the trial will be a real hardship for you, please let me know now.
- c. Some of you may have health problems that would prevent you from serving on a jury. Does anyone have a physical, mental, or other problem that may prevent you from serving on the jury? For example, does anyone have a medical problem that makes you unable to sit for two or three hours at a time? Does anyone have a sight or hearing problem?
- d. Under guidelines established by the Michigan Supreme Court, I have approved a media request for cameras to be used during trial. I'll discuss this more later, but one of the rules is that you cannot be filmed or photographed. However, if you believe that the presence of the cameras will interfere with your ability to concentrate and render a fair and impartial verdict, raise your hand.

#### **Note on Use**

Subsection (d) would only be read if the trial judge has allowed cameras in the courtroom as permitted by Michigan Supreme Court Administrative Order 1989-1. The subsection contemplates follow-up questions if a juror indicates his or her ability to concentrate or render a fair verdict would be impaired.

#### **History**

M Civ JI 1.05 was added October 1993.

Amended March 1996, September 2007, October 2013.

**M Civ JI 2.02A**  
**Cameras in the Courtroom**

In order to increase public knowledge of court proceedings and to make the courts as open as possible, the Michigan Supreme Court allows cameras in courtrooms as long as certain guidelines are followed. One of those guidelines is that no one is allowed to film or photograph you, so you will not end up on television or in the newspaper.

The presence of cameras does not make this case more important than any other. All trials are equally important to the parties. You should not draw any inferences or conclusions from the fact that cameras are present at this particular trial. Also, since the news media is generally able to decide what portions of the trial they wish to attend, their attendance may be periodic from day to day. You are not to concern yourself with why certain witnesses are filmed and/or photographed and others are not. Whether a particular witness is filmed and/or photographed is not any indication as to the value of, or weight to be given to, that witness's testimony.

Your complete attention must be focused on the trial. You should ignore the presence of the cameras. If you find at any time that you are unable to concentrate because of the cameras, please notify me immediately through the bailiff so that I can take any necessary corrective action.

**Note on Use**

This instruction would only be given if the trial judge has allowed cameras in the courtroom as permitted by Michigan Supreme Court Administrative Order 1989-1. M Civ JI 60.01A would also be given before the jury deliberates.

**History**

M Civ JI 2.02A was added October 2013.

**M Civ JI 60.01A**  
**Cameras in the Courtroom**

In this case, the news media was permitted to film and photograph the proceedings pursuant to the rules of the Michigan Supreme Court.

In your deliberation, you should not draw any inferences or conclusions from the fact that cameras were present during trial. Nor should you concern yourself with why certain witnesses were filmed and photographed and others were not. Whether a particular witness was filmed or photographed is not any indication as to the value of, or weight to be given to, that witness's testimony.

**Note on Use**

This instruction would only be given if the trial judge allowed cameras in the courtroom as permitted by Michigan Supreme Court Administrative Order 1989-1.

#### History

M Civ JI 60.01A was added October 2013.

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The Michigan Supreme Court has delegated to the Committee on Model Civil Jury Instructions the authority to propose and adopt Model Civil Jury Instructions. MCR 2.512(D). In drafting Model Civil Jury Instructions, it is not the committee's function to create new law or anticipate rulings of the Michigan Supreme Court or Court of Appeals on substantive law. The committee's responsibility is to produce instructions that are supported by existing law.

The members of the Committee on Model Civil Jury Instructions are:

**Chair:** Alfred M. Butzbaugh

**Reporter:** Timothy J. Raubinger

**Members:** Benjamin J. Aloia; Hon. Jane M. Beckering; Mark R. Bendure; Hon. Mark T. Boonstra; W. Mack Faison; Donald J. Gasiorek; Gary P. Gordon; Elizabeth Phelps Hardy; Helen K. Joyner; Daniel J. McCarthy; Hon. Elizabeth M. Pezzetti; Hon. James R. Redford; Hon. Douglas B. Shapiro; Noreen L. Slank; Hon. Michael R. Smith; Paul C. Smith; Hon. Donald A. Teeple; Thomas Van Dusen; Hon. Michael D. Warren, Jr.; Thomas W. Waun.